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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES

LE COCO RESTARUANT, a
California corporation,

Plaintiff(s),

vs.

PINK & BOUJEE LA, LLC, a
California limited liability company;
PINK & BOUJEE LA CATERING,
LLC, a California limited liability
company; YESENIA CASTRO
JIMENEZ, an individual, dba PINK &
BOUJEE; and DOES 1 through 10,
Inclusive,

Defendant(s).

Case No.

COMPLAINT FOR

- (1) TRADE DRESS INFRINGEMENT & UNFAIR COMPETITION (15 U.S.C. § 1125)
- (2) COMMON LAW TRADE DRESS INFRINGEMENT & UNFAIR COMPETITION
- (3) UNFAIR COMPETITION (CALIFORNIA BUS. & PROF. C. §§ 17200 ET SEQ.)

(Jury Trial Demanded)

Plaintiff LE COCO RESTARUANT avers and complains as follows:

1. **NATURE OF THIS ACTION.** LE COCO brings this action at law and in equity for trade dress infringement, unfair competition, and unfair

business practices arising under the Trademark Act of 1946, 15 U.S.C. §§ 1051 *et seq.* (2009) (“Lanham Act”), the fair business practices and unfair and deceptive trade practices acts of California, and the common law. Among other relief, Le Coco Restaurant asks this Court to: (a) preliminarily enjoin defendants from marketing or otherwise using their confusingly similar trade dress consisting of, *inter alia*, a pink telephone flanked by a potpourri of pink flowers; (b) permanently enjoin Pink & Boujee from marketing or otherwise using confusingly similar trade dress that consists of, *inter alia*, a pink telephone flanked by a potpourri of pink flowers; (c) award plaintiff monetary damages and to treble that award; (d) require defendants to disgorge all profits resulting from the infringing conduct; and (e) award plaintiff punitive damages, attorneys’ fees, and costs.

2. **JURISDICTION & VENUE.** This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a), and 15 U.S.C. § 1121.
3. This Court has personal jurisdiction over defendants because: (a) defendants have substantial contacts in the State of California related to the claims in this action, (b) defendants engaged in the wrongful acts alleged herein in the State of California, and/or (c) defendants purposely directed their wrongful conduct at plaintiff in the State of California, knowing that the resulting harm likely would be suffered by plaintiff in the State of California.
4. Venue in this judicial district is proper under 28 U.S.C. § 1391(b) and (c).

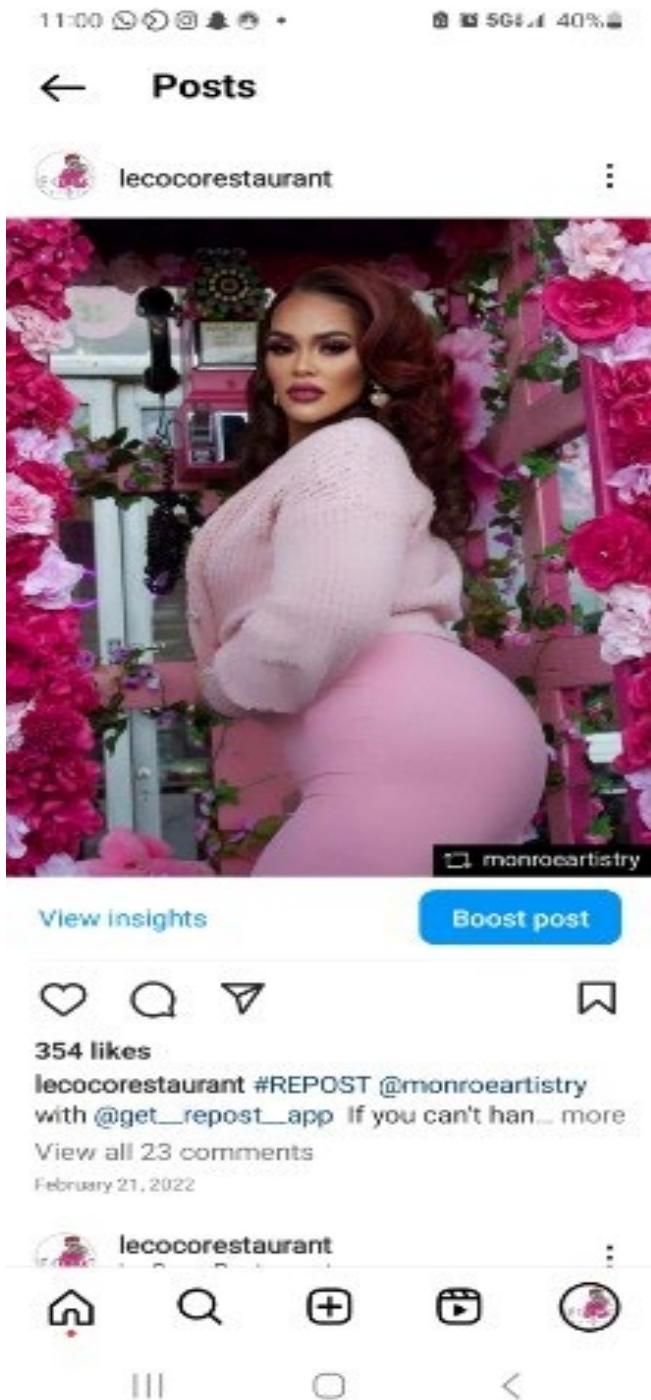
5. **PARTIES.** Plaintiff LE COCO RESTAURANT was at all times pertinent hereto a closely held corporation organized under the laws of the State of California doing business in Los Angeles County.
6. Defendant YESENIA CASTRO JIMENEZ was at all times pertinent hereto an adult individual doing business in Los Angeles County as PINK & BOUJEE.
7. Defendant PINK & BOUJEE LA, LLC was at all times pertinent hereto a limited liability company organized under the laws of the State of California doing business in Los Angeles County.
8. Defendant PINK & BOUJEE LA CATERING, LLC was at all times pertinent hereto a limited liability company organized under the laws of the State of California doing business in Los Angeles County.
9. Plaintiff does not know the true names of defendants DOES 1 through 10, inclusive, and therefore sues them by those fictitious names. Plaintiff is informed and believes and thereon alleges that each of those defendants was in some manner legally responsible for the events and happenings alleged in this complaint and for plaintiff's damages. The names, capacities, and relationships of DOES 1 through 10 will be alleged by amendment to this complaint when they are known.
10. Whenever in this complaint an act or omission of a corporation

or business entity is alleged, said allegation shall be deemed to mean and include an allegation that the corporation or business entity acted or omitted to act through its authorized officers, directors, agents, servants, and/or employees, acting within the course and scope of their duties, and that said act or omission was authorized and/or ratified by corporate managerial officers or directors.

11. **FACTUAL BACKGROUND.** Le Coco Restaurant is a popular Mexican restaurant in Downey, CA that has been operating under the Le Coco brand since July 28, 2014. The fanciful and arbitrary Le Coco mark derives from plaintiff's admiration of famous French fashion designer Gabrielle Bonheur "Coco" Chanel, after whom plaintiff's owners even named their recently deceased dog. In the Spanish speaking community where plaintiff operates, "coco" literally means coconut or brain, but colloquially and idiomatically connotes something that is menacing or boogeyman-like.

12. Plaintiff maintains a web site at www.lecocorestaurant.com, wherein customers can view the company's menu, schedule catering and other private events, become a VIP member, and view a gallery of menu items and other pictures. The web site displays the restaurant's bright pink trade dress, which has acquired deep secondary meaning in the relevant marketplace. By far, the most distinctive aspect of plaintiff's trade dress are its signature decorative displays of telephones flanked by potpourri of multi-colored flowers. These displays are a vital attraction and marketing tool which serve as backdrops for customers who want to take selfies inside the

restaurant. Samples of plaintiff's highly distinctive trade dress are attached hereto as Exhibit 1 and include the following:





13. Defendants are collectively a Mexican restaurant doing business under the Pink & Boujee brand just 14 miles away in Los Angeles, CA. Their online presence includes an Instagram page ([instagram.com/pinkandboujeela](https://www.instagram.com/pinkandboujeela)) and a web site (pinkboujeela.com) which describes the company as a taqueria wherein customers “can enjoy our one of a kind pink tacos with no artificial colors or ingredients.” According to the company’s pending application for registration with the U.S. Patent & Trademark Office, its founder, Yesenia Jimenez, began using the Pink & Boujee mark in commerce in March 2022. The web site discloses that the restaurant began as a food truck business and later established its brick-and-mortar Los Angeles location in 2023. Samples of defendant’s trade dress and décor are attached hereto as **Exhibit 2**.

14. Starting in 2023, plaintiff received, and continues to receive, inquiries from confused customers as to whether Pink & Boujee and

Le Coco are the same restaurant. When plaintiff tried to visit Pink & Boujee's Instagram page, it discovered, to its surprise, that it had already been blocked from accessing the page by Pink & Boujee. Plaintiff has since repeatedly informed Pink & Boujee in writing of the consumer confusion and demanded that Pink & Boujee cease and desist from all infringing activity. Pink & Boujee remains recalcitrant and unrepentant, even recently defiantly adding a pink telephone surrounded by a collection of flowers as follows:



15. As described and shown hereinabove, the configuration and overall impression created by the décor and trade dress of defendants is confusingly similar to the configuration of and overall impression of Le Coco's décor and trade dress. Defendants' misappropriation and use of plaintiff's trade dress is intended to cause consumers to mistakenly believe that the products and services offered by defendants online and in their brick-and-mortar location are provided by or associated with Le Coco.

First Cause of Action for
TRADE DRESS INFRINGEMENT & UNFAIR COMPETITION (15 U.S.C. § 1125)
(Against All Defendants)

16. Plaintiff incorporates by reference the foregoing allegations as if fully set forth hereinbelow.

17. "Any person who, on or in connection with any goods or services . . . uses in commerce any word, term, name, symbol, or device, or combination thereof, or any false designation of origin . . . which – (A) is likely to cause confusion or to cause mistake, or to deceive as to the affiliation, connection or association of such person with another person, or as to the origin, sponsorship, or approval of his or her goods, services, or commercial activities by another person . . . shall be liable in a civil action by any person who believes that he or she is likely to be damaged by such act." (15 U.S.C. § 1125).

18. Plaintiff Le Coco markets, offers, sells, and delivers its products and services online and through its brick-and-mortar restaurant in

Downey, CA. Prior to the misconduct that forms the basis for this complaint, consumers had come to associate the distinctive look and feel of plaintiff's locations as associated with Le Coco's products and services. Through its promotional efforts, business conduct, and continuous use of its stores and associated trade dress, Le Coco has developed and maintained clients throughout southern California. Through its widespread and favorable acceptance and recognition by the consuming public, the look and feel of the company's online and brick-and-mortar stores has become an asset of substantial value as a symbol of Le Coco, its high-quality products and services, and its goodwill. Accordingly, Le Coco has established valid and enforceable rights in its trade dress and in the overall look and feel of its online and brick-and-mortar stores.

19. As detailed hereinabove, defendants, and each of them, without Le Coco's permission or approval, have used, and continue to use, Le Coco's distinctive proprietary trade dress on their Instagram page, web page, food trucks, and in their brick-and-mortar restaurant in Los Angeles, CA.
20. Defendants and Le Coco offer their respective products and services to customers and clients and/or the relevant consumer base in the same geographical locations and through the same trade channels. Defendants are therefore direct competitors of Le Coco.
21. Defendants' unauthorized use of Le Coco's trade dress in connection with related and competing products and services is likely

to cause, and has actually caused, confusion among purchasers and potential purchasers as to the source, origin, or affiliation of defendants' and Le Coco's products and services.

22. The acts by defendants described hereinabove constitute an infringement and misappropriation of Le Coco's rights to its distinctive trade dress, with consequent damages to Le Coco and to the business and goodwill associated with and symbolized by Le Coco's trade dress.
23. Defendants' acts of unfair competition have caused, and continue to cause, great and irreparable economic harm to Le Coco, its goodwill, and rights to its distinctive trade dress, in an amount which cannot be adequately determined at this time and, unless restrained, will cause further irreparable injury and damage, leaving Le Coco with no adequate remedy at law.
24. On information and belief, defendants' acts of infringement and misappropriation have been, and are being, committed with actual knowledge of Le Coco's prior rights in its distinctive trade dress, and are willful and in gross disregard of Le Coco's rights. By reason of the foregoing, Le Coco is entitled to injunctive relief against defendants, and each of them, and anyone associated therewith, to restrain further acts of unfair competition and trade dress infringement, and to recover any damages proven to have been caused by reason of defendants' aforesaid acts of unfair competition and trade dress infringement, and to recover enhanced damages

based upon the willful, intentional, and/or grossly negligent activities of defendants.

Second Cause of Action for
COMMON LAW TRADE DRESS INFRINGEMENT & UNFAIR COMPETITION
(Against All Defendants)

25. Plaintiff incorporates by reference the foregoing allegations as if fully set forth hereinbelow.
26. On account of Le Coco's long and continuous use of the protected trade dress in commerce as detailed above, Le Coco has established common law trademark rights in its distinctive trade dress.
27. Defendants' above-described unauthorized use of Le Coco's trade dress in connection with related and competing products and services is likely to cause, and has actually caused, confusion among purchasers and potential purchasers as to the source, origin, or affiliation of defendants' and Le Coco's products and services.
28. The acts by defendants described hereinabove constitute an infringement and misappropriation of Le Coco's rights to its distinctive trade dress, with consequent damages to Le Coco and the business and goodwill associated with and symbolized by Le Coco's trade dress.
29. Defendants' acts of unfair competition have caused, and continue to cause, great and irreparable economic harm to Le Coco,

its goodwill, and rights to its distinctive trade dress, in an amount which cannot be adequately determined at this time and, unless restrained, will cause further irreparable injury and damage, leaving Le Coco with no adequate remedy at law.

Third Cause of Action for

UNFAIR COMPETITION (CALIFORNIA Bus. & PROF. C. §§ 17200 ET SEQ.)
(Against All Defendants)

30. Plaintiff incorporates by reference the foregoing allegations as if fully set forth hereinbelow.
31. As detailed hereinabove, defendants, and each of them, without Le Coco's permission or approval, have used, and continue to use, Le Coco's distinctive proprietary trade dress on their Instagram page, web page, food trucks, and in their brick-and-mortar restaurant in Los Angeles, CA.
32. Defendants' unauthorized use of Le Coco's trade dress in connection with related and competing products and services is likely to cause, and has actually caused, confusion among purchasers and potential purchasers as to the source, origin, or affiliation of defendants' and Le Coco's products and services.
33. The acts by defendants described hereinabove constitute an infringement and misappropriation of Le Coco's rights to its distinctive trade dress, with consequent damages to Le Coco and the business

and goodwill associated with and symbolized by Le Coco's trade dress.

34. Defendants' acts of unfair competition have caused, and are causing, great and irreparable economic harm to Le Coco, its goodwill, and rights to its distinctive trade dress, in an amount which cannot be adequately determined at this time and, unless restrained, will cause further irreparable injury and damage, leaving Le Coco with no adequate remedy at law.
35. By these actions, defendants, and each of them, have engaged in unfair competition in violation of Cal. Bus. & Prof. Code §§ 17200 et seq., and, as a result, Le Coco has suffered, and will continue to suffer, damage to its business, reputation, and goodwill.

PRAYER FOR RELIEF

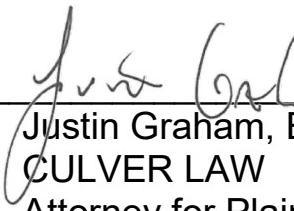
WHEREFORE, plaintiff Le Coco Restaurant demands judgment against defendants, and each of them, as follows:

- For economic damages, including lost profits, according to proof at trial;
- For injunctive relief pursuant to 15 U.S.C. §§ 1051 et seq., California Business and Professions Code §§ 17200 et seq., and the common law of trade dress infringement and unfair competition;

CULVER LAW

- That damages and profits be trebled and awarded to plaintiff and that it be awarded its costs, attorneys' fees, and expenses in this suit as a result of defendants' willful, intentional, and deliberate acts in violation of the Lanham Act;
- That plaintiff be granted prejudgment and post judgment interest; and
- For any other relief the Court deems proper.

Dated: June 26, 2023

By: _____

Justin Graham, Esq.
CULVER LAW
Attorney for Plaintiff

facebook

EXHIBIT 1

Log In



Le Coco Restaurant

3.3K likes • 3.5K followers

Connect with Le Coco Restaurant on Facebook

Log In

or

Create new account



Log In

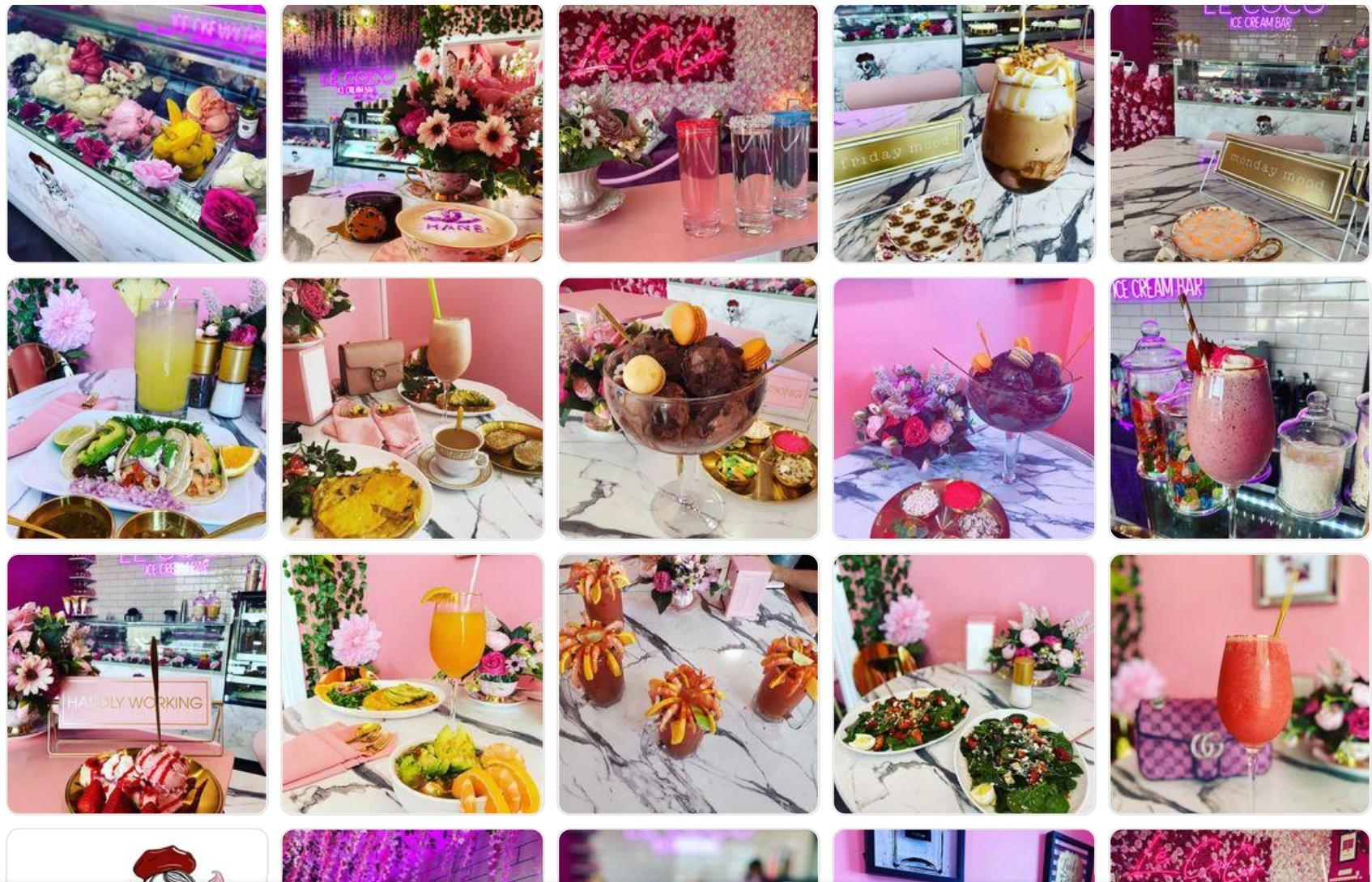


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Log In

or

Create new account

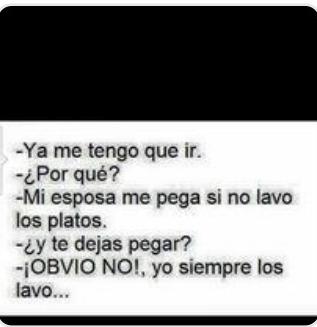
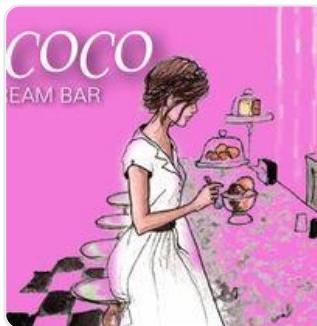


Connect with Le Coco Restaurant on Facebook

Log In

or

Create new account



Connect with Le Coco Restaurant on Facebook

Log In

or

Create new account



Log In



Le Coco Restaurant's Video

11 weeks ago · 58 views

0:06



Le Coco Restaurant's Video

35 weeks ago · 100 views

0:09



Le Coco Restaurant's Video

35 weeks ago · 71 views

0:05



2



1



0:04

Le Coco Restaurant's Video

35 weeks ago · 38 views



1



0:09

Le Coco Restaurant's Video

35 weeks ago · 16 views



0:07

Le Coco Restaurant's Video

35 weeks ago · 16 views

See All

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Create new account

EXHIBIT 2

Instagram

Search

Log In

Sign Up

pinkandboujeela

Follow

Message

•••

433 posts

43.8K followers

213 following



PINK BRUNCH & TAQUERIA

Restaurant

- Tues-Sunday 9am-6pm
- Walk-ins only
- Latina Owned @sienaxo_
- Tortilla Brand @boujetortillas
- *for large parties pls email us!*
- linktr.ee/pinkandboujeela



POSTS

REELS

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One thing you can always count on in LA is delicious food, but more specifically, delicious tacos! LA has become a hub for some of the **best taco spots and trucks**. They're also some of the best and most reliable options available when it comes to late-night bites. Since tacos have become an essential part of Los Angeles food culture, it was only right for us to highlight some of the best LA Girl Picks. Enjoy and eat up!



PINK
IS NOT
A
GENDERED
COLOR

A large, bold text graphic on a pink background that reads "PINK IS NOT A GENDERED COLOR" in white, sans-serif capital letters.

[Log into Instagram](#)

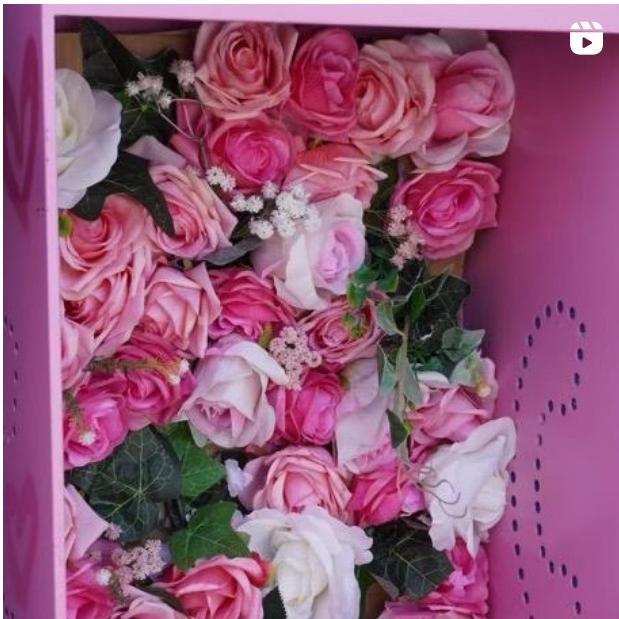
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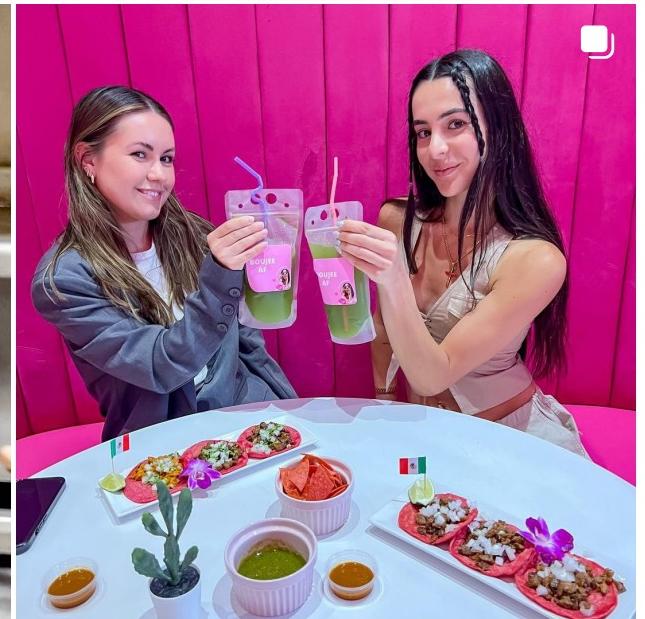
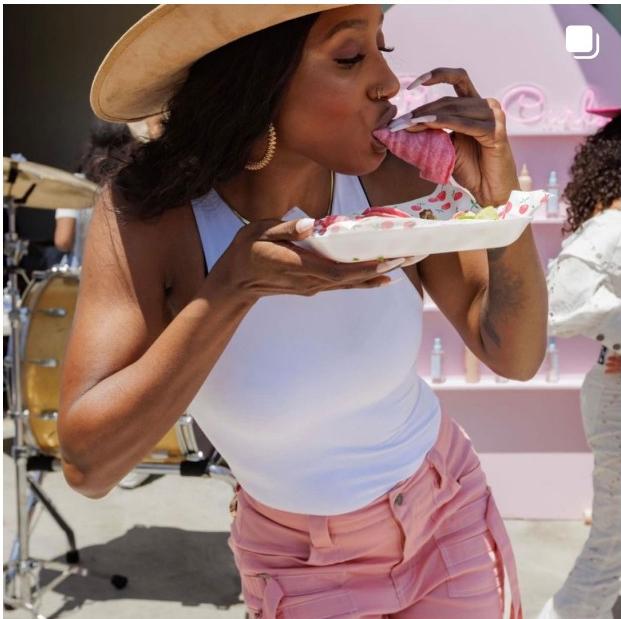
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